

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

LR No.: 1005-03  
Bill No.: Perfected HS for HB 267  
Subject: Counties: Ordinances  
Type: Original  
Date: April 3, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### **Sections 49.650:**

Officials of the **Cass County Clerk's Office** assume that each time an election would be held to approve an ordinance the county would have election costs of approximately \$40,000.

Officials of **Jefferson County Commission** assume no fiscal impact.

Officials of **Franklin County** assume no fiscal impact.

**Oversight** assumes this proposal is enabling legislation and would have no fiscal impact as written. Before a non-charter county would have fiscal impact, the counties governing body or the citizens by petition would have to act. Fiscal impact would be from the cost of an election. This proposal requires any election to be held at the same time as "the next general election". If held at the same time as another election costs would be minimized. Oversight will show fiscal impact as \$0, because this proposal as written, does not mandate certain counties to pass ordinances and to hold elections. Oversight assumes no state fiscal impact.

ASSUMPTION (continued)

**Section 137.082: Cass County Collection Fee:**

Officials from the **Department of Revenue - Division of Taxation** and the **State Tax Commission** indicated this proposal would have no fiscal impact on their agencies. Tax Commission Officials stated that Cass County's Assessment Fund would realize an increase in revenue.

**Cass County** Officials assume no fiscal impact.

**Oversight** assumes there would be a decrease in property tax income from local taxing authorities, and there would be a corresponding increase of revenue to the County's Assessment Fund in Cass County.

**67.1775 Children Services:**

Officials of the **Department of Revenue** assume no fiscal impact. Officials noted that this proposal does not provide language that would require the Department of Revenue to collect the tax. Therefore, officials assume there would be no 1% collection fee collected as a result of this proposal.

**Cass County** officials assume if this proposal were placed before the voters, there would be additional election cost of approximately \$25,000 to \$30,000.

**Jefferson County** officials assume no fiscal impact.

**Oversight** assumes this proposal is enabling legislation and would have no fiscal impact unless, either the County's governing body, or by citizen petition, would place on the ballot, and receive voter approval to impose a sales tax that could not exceed one-quarter of a cent, for the purpose of providing services to protect the well-being and safety of children. **Oversight assumes that this proposal as written, does not mandate counties to impose a sales tax, therefore, Oversight assumes no fiscal impact. Oversight assumes that as written, local governments would have to collect and administer the sales tax.**

**Counties not responding are as follows:**

**The counties of Callaway, Cape Girardeau, Boone, Clay, Greene, Johnson, Marion, and Taney Counties.**

<u>FISCAL IMPACT - State Government</u>	FY 2004	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004	FY 2005	FY 2006
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**CASS COUNTY ASSESSMENT  
FUND**

<b><u>Income</u></b> to Cass County Assessment Fund from increase in collection cost fee.	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b><u>Total</u></b> Effect to County Assessment Fund	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

**TAXING AUTHORITIES CASS  
COUNTY**

<b><u>Loss</u></b> of Income			
Increased collection fee to Cass County	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b><u>Total</u></b> Effect to Taxing Authorities	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<b>ESTIMATED NET EFFECT TO LOCAL GOVERNMENT *</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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**\* Income to the County's Assessment Fund would be the same amount as loss of income to local taxing districts.**

FISCAL IMPACT - Small Business

Section 67.1775: Small businesses located in certain counties that would receive voter approval to impose a sales tax for community services for children, would be expected to pay and collect the sales tax.

## DESCRIPTION

This substitute authorizes any county without a charter form of government to adopt ordinances, resolutions, and regulations related to its property, affairs, and government that are not governed by the constitution or state statute. If a county passes an ordinance that conflicts with a municipal ordinance, the municipal ordinance overrides the county ordinance within the corporate boundaries of the municipality. The General Assembly has the power to further define, broaden, limit, or otherwise regulate the power of a county to adopt any ordinance, resolution, or regulation.

The county may submit any ordinance, resolution, or regulation to the voters for approval. The substitute also allows a petition to be submitted by a qualified voter to the governing body of the county proposing an ordinance, resolution, or regulation. The petition must be signed by 15% of qualified voters. Upon the filing of a valid petition, the governing body of the county must place the question on the ballot at the next general election for approval or rejection.

All counties are authorized to appoint persons to fill any position in any department governed by the county and may also fix the compensation of the position. The governing body is also authorized to provide health insurance, life insurance, retirement plans, and workers' compensation.

The substitute also deletes certain statutes regarding the current operation of county governments.

Currently, only St. Louis, St. Charles, Greene, Jefferson, Franklin, Cass, Marion, Stone, Lincoln, Stoddard, and Warren counties and the City of St. Louis may seek voter approval to levy a sales tax for purposes of establishing a community children's services fund. This substitute allows any county in the state and the City of St. Louis to seek voter approval for this sales tax.

The substitute also adds qualifications for a public administrator. The public administrator must be at least 21 years old and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year before the election. The candidate must also be a registered voter, must be current in the payment of all personal and business taxes, and must have no record of any felony convictions.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue  
Missouri State Tax Commission  
Cass County Clerk  
Jefferson County Commission  
Franklin County Commission

NOT RESPONDING

Callaway County  
Cape Girardeau County  
Boone County  
Clay County  
Greene County  
Johnson County  
Marion County  
Taney County



Mickey Wilson, CPA  
Director  
April 3, 2003

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